



W.P.(MD)No.2232 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.2232 of 2016

and

W.M.P.(MD).No.2044 & 2045 of 2016

R.Manjula

... Petitioner

Vs.

1.The Divisional Engineer,
(NH) Division,
Madurai 2.

2.The Assistant Divisional Engineer,
National Highways,
Sub-Collector Office Road,
Dindigul.

3.The Manager,
DD 160, Dindigul District Cooperative
Milk Producers Union Ltd.,
No.9, East Govindapuram,
Dindigul 624 001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order dated 26.10.2015 on the file of the first



W.P.(MD)No.2232 of 2016

respondent and quash the same as illegal and further forbearing the respondents in any manner installing the Aavin Milk Booth in Ch.KM 0/2 of NH 209 (New No.83, Right Side) in front of the petitioner's property in Survey No.78/1B1, measuring an extent of 39 cents, Kurumbapatti Village, Dindigul West Taluk, Dindigul District.

For Petitioner :Mr.M.P.Senthil
For Respondents :Mr.C.Baskaran
Government Advocate

ORDER

The petitioner has impugned a communication dated 26.10.2015 by which the third respondent was permitted to install an Aavin Milk Booth near the petitioner's house.

2. The petitioner asserts that her property abuts National Highways 209 and that access to her house is only from the National Highways. By further alleging that the installation of an Aavin Milk Booth at the proposed location would impede access to her property and act as a shelter for anti social elements, the present writ petition is filed.



W.P.(MD)No.2232 of 2016

WEB COPY

3. On instruction, learned Government Advocate submits that the first and second respondents are entitled to grant a licence to the third respondent to put up the Aavin Milk Booth. He further submits that the petitioner has no right to question the grant of permission since the land does not belong to the petitioner. He further states that no milk booth has been installed as on date.

4. On perusal of the impugned order, it is evident that the licence was granted on condition that traffic should not be impeded. In view of the said condition, it follows that the access of the petitioner to her house would also not be impeded. The other objection of the petitioner that the establishment of an Aavin Milk Booth may result in anti social elements congregating at such milk booth is not a tenable objection. Therefore, the said objection is rejected. Since the Aavin Milk Booth has not been installed at the proposed location as on date, in any case, there has been no impact on the petitioner.



W.P.(MD)No.2232 of 2016

WEB COPY

5. For reasons set out above, there is no infirmity in the impugned order and no case is made out to interfere with the same. Therefore, W.P. (MD).No.2322 of 2016 is disposed of without any order as to costs. Consequently, connected W.M.P.(MD).Nos.2044 & 2045 of 2016 are closed.

21.03.2023

NCC :Yes/No

Internet :Yes/No

Index :Yes/No

sbn

To

1.The Divisional Engineer,
(NH) Division,
Madurai 2.

2.The Assistant Divisional Engineer,
National Highways,
Sub-Collector Office Road,
Dindigul.

3.The Manager,
DD 160, Dindigul District Cooperative Milk Producers Union Ltd.,
No.9, East Govindapuram,
Dindigul 624 001.



WEB COPY



W.P.(MD)No.2232 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

sbn

W.P.(MD)No.2232 of 2016

and

W.M.P.(MD).No.2044 & 2045 of 2016

21.03.2023